



AGENDA
AD HOC COMMITTEE ON DIVERSITY
Friday, June 10, 2016 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall

Councilmember Carol Wood, Chair
Councilmember Patricia Spitzley
Councilmember Jody Washington

1. Call to Order
2. Roll Call
3. Public Comment
4. Approval of Minutes
 - May 27, 2016
5. Presentation:
 - A 21st Century Epidemic; understanding the science behind HIV treatment and prevention in 2016
6. Action/Discussion:
 - A. City Attorney Update on the Human Rights Ordinance Chapter 297 Amendments
7. Other
 - Updates on Participants in the Committee
8. Adjourn



DATE 6/10/16

[illegible]



MINUTES/NOTES
AD HOC COMMITTEE ON DIVERSITY
Friday, June 10, 2016 @ 11:30 a.m.
Council Conference Room, 10th Floor, City Hall

Call to Order

The meeting was called to order at 11:30 a.m.

Committee Members

Councilmember Carol Wood, Chair
Councilmember Patricia Spitzley
Councilmember Jody Washington

Others Present

Sherrie Boak, Council Staff
Jim Bale
Judi Harris, St. Vincent's Catholic Charities
Griffin Rivers
Guillermo Lopez
Ken Lane
Mark Dotson, Deputy City Attorney
Todd Heywood
Dr. Joan Jackson Johnson, HRCS
Stacey Locke, Peckham
Sandy Wolfe, Peckham
Tammy Lemmer, TCOA

Minutes

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE MINUTES FROM MAY 27, 2016 AS PRESENTED. MOTION CARRIED 3-0.

PRESENTATION – A 21st Century Epidemic; Understanding the Science behind HIV Treatment and Prevention in 2016

Mr. Heywood distributed a handout PowerPoint. The handout addressed statistics, racial disparity, population effected and immigrants arriving in the US. The Federal Government did change evaluations in 1998 for refugees. Mr. Heywood made note that the Lansing area is the second highest in Michigan outside of Detroit with HIV. The presentation went into high risk areas and how the infection is caused by the virus. Treatments were discussed including the cost, the problems with obtaining medicine and giving examples of this to the Committee. In 1990 Federal Government passed an ACT for AIDS Drug Assistance program based on

income. The handout included graphs on progression of infection, life expectancy, viral load (less than 28 viral particles per mml of blood) and engagement of HIV care. Information is provided when they are diagnosed they are linked to care, however if you are not living with HIV people don't know there is this care offered.

The presentation concluded with prevention options.

Council Member Spitzley stepped away from the meeting at 12:33 p.m.

The question was asked what process and assistance was being offered in the prison systems. Council Member Washington stated she would look into the educational piece.

Council Member Spitzley returned to the meeting at 12:35 p.m.

Updates

Dr. Joan Jackson Johnson handed out flyers on the "Gap Feeding Program", and also info on the Mobile Food Pantry.

Ms. Harris distributed the flyer on World Refugee Awareness Week. Council Member Wood added there will be the presentation of the Peace Pole in the City Hall Lobby at noon on June 24th, which will be the next Ad Hoc meeting.

Mr. Heywood noted there will be HIV Testing on June 11, 2016 at Riverwalk Theatre, and June 25th 4pm – midnight free testing in Old Town.

Action/Discussion

City Attorney Update on the Human Rights Ordinance Chapter 297 Amendments

Mr. Dotson stated the only changes are based on the discussion at the last meeting. This will be brought back at the July 8th, 2016 meeting.

Adjourn

Adjourn at 12:41 p.m.

Submitted by, Sherrie Boak, Council Office Manager

Approved by Committee on July 8, 2016

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MINUTES/NOTES AD HOC COMMITTEE ON DIVERSITY Friday, May 27, 2016 @ 11:30 a.m. Council Conference Room, 10th Floor, City Hall

Call to Order

The meeting was called to order at 11:36 a.m.

Committee Members

Councilmember Carol Wood, Chair
Councilmember Patricia Spitzley- excused
Councilmember Jody Washington

Others Present

Sherrie Boak, Council Staff
Jim Bale
Mark Dotson, Deputy City Attorney
Griffin Rivers
Todd Heywood, City Pulse
Judi Harris, St. Vincent Refugee Services
Brett Vandry, Peckham
Al Salas

Introductions

Minutes

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE MINUTES FROM APRIL 22, 2016 AS PRESENTED. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE MINUTES FROM MAY 13, 2016 AS PRESENTED. MOTION CARRIED 2-0.

PRESENTATION – St. Vincent Refugee Services – Director Judi Harris: Refugee Awareness

Ms. Harris distributed a hand out on the power point presentation. Part of the presentation was refugee resettlement with processing and resettling into the community. This began in Lansing in 1978, and they estimate they have resettled 20,000. The program is part of the US government, and starts at the Presidential level where the President determines how many and what parts of the World. This past year it was acknowledged 75,000 then an additional 10,000 were added from Syria. The 75,000 is broken by regions, and the list is information on the Federal governmental site. Largest funding comes from the organization BPRM (US

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Department of State, Bureau of Population, Refugee and Migration). The presentation continued with topics including the definition of refugee status, the process in coming to America with criteria, orientation, and English classes. Agencies meet as a processing center to determine who has the sufficient resources for refugees. In Lansing, St. Vincent is the only refugee center. A graph on STVCC Arrivals from 2010-2015 represented the arrivals in Lansing, but many do not stay, and St. Vincent only tracks them the first 90 days. The details on arrivals included Sudan (140), Somalia (572), Other (27), Iraq (768), Iran (29), Congo (297), Burma (688), Bhutan (680) and Afghanistan (85) to name a few. A refugee status allows them to work, however they are not allowed to vote until they become a citizen, so St. Vincent tries to educate them on the process. If they register to vote and are not a citizen then they will be penalized to ever voting in the future when they become a citizen. St. Vincent's is currently watching Syria, Burma, Somalia, Sudan and Congo for the potential of refugees coming into the US. There is a language program that is offered free with Literacy Coalition, churches and the Lansing School District. Mr. Griffins encouraged language cards at voting registration centers. Council Member Wood encouraged a letter to the City Clerk and Ingham County Clerk to ask them to reach out to organizations they use for voter registration to educate on if refugees are official citizens. Ms. Harris offered to provide language for the letter and send to Council Member Wood.

Other

Council Member Wood referenced a complaint she was informed about that was filed with HRCS and never acted on. Mr. Heywood presented a copy of the complaint which went to the City Attorney in 2008 who told him they would not pursue, and was also submitted to HRCS who never replied. Mr. Heywood insisted that there should have at least been an investigation. Council Member Wood noted that there is an ordinance on the books, and the ability to follow thru on an investigation, which now brings back the question, when Committee asked HRCS how many complaints were filed, and this is one that was not part of the three mentioned. Mr. Heywood offered to provide Mr. Dotson with former City Attorney Brigg email response to the complaint. Mr. Dotson stated they are still searching the research and make determination in a statement. Mr. Heywood stated he did file a suit in court and that was settled in his favor thru arbitration with Judge Collette. Council Member Wood noted with this Committee, once this ordinance is finished up, there needs to be an avenue to make sure complaints are heard. An option could be the citizen investigator would handle these types of cases.

Council Member Washington stepped away from the meeting at 12:25 p.m.

Mr. Dotson confirmed he will continue to look at the roll of Citizen Investigator, research more into the process and what funds will help support the ordinance enforcement.

Council Member Washington returned to the meeting at 12:28 p.m.

Mr. Heywood stated that there is a vast majority of people who don't even know there is an ordinance in place to protect them.

Council Member Wood asked Mr. Dotson to do more research on the complaint filed in 2008 by Mr. Heywood, and Mr. Heywood is to provide Mr. Dotson with the response he received from City Attorney at the time Mr. Brigg.

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Action/Discussion

City Attorney Update on the Human Rights Ordinance Chapter 297 Amendments

Council Member Wood cited a possible definition on bullying from Tammy Lemmer with TCOA and one from Guillermo Lopez, both submitted to Mr. Dotson prior to the meeting. Mr. Dotson referred the Committee to the Draft #4 of the Ordinance and his recommended changes to the definition of "Bullying" line 15-18 "Bullying: Repeated, persistent and aggressive behavior directed at another that is intended to cause harm to the other person's body, emotions, self-esteem or reputation." Council Member Wood asked if this would address cyber bullying. Mr. Dotson confirmed that would be addressed with the word "behavior", and if using "intent" that becomes difficult. The answer to if someone intended to bully, wouldn't be limited, but instead the question asked would be under the circumstances we believe or the reasonable person would believe. The alternative to "intent" is irresponsible or natality. The person that does this is not given an option if it is intended, so the review body will be sked if it was intended, and could open the door for more irresponsible or unreasonable. Bullying takes on a character. The Committee needs to determine who the real bully is and separate from the inadvertent bully. Mr. Heywood's opinion was to keep the original language for the definition in Draft 4.

Ms. Harris left the meeting but before she did she reminded the group of the upcoming World Refugee Week which takes place June 18- June 24th, with a presentation of a Peace Pole in the lobby of City Hall on June 24th at noon.

Council Member Wood assured Mr. Dotson the Committee wants to pursue the change to include the definition for "Bullying" therefore he should make his earlier recommended changes and submit as Draft #5 for the next meeting.

Mr. Heywood questioned the details on page 16 line 10 for "Public Accommodation and Public Services" and if it would now be a violation of the recent Transgender law by the Federal Government.

Updates

Mr. Heywood passed out a flyer for National HIV testing day on June 25, 2016, and noted there was also a fundraiser on June 8th at Riverwalk Theatre to benefit the Aids Network. Mr. Heywood was invited to the next Committee meeting to present on HIV 101. Council Member Washington earlier noted that the Crito Rey Fiesta is May 27- Memorial Day. Mr. Vandry invited everyone to a United to Face Addiction Rally at the Capital on June 2nd at 9

Adjourn

Adjourn at 12:57 p.m.

Submitted by, Sherrie Boak, Council Office Manager

Approved by Committee on _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND
AND RENAME SECTION 297 OF THE LANSING CODIFIED
ORDINANCES.

THE CITY OF LANSING ORDAINS:

Section 1. That Section 297 of the Codified Ordinances of the City of Lansing,
Michigan, be and is hereby amended to read as follows:

CHAPTER 297. HUMAN RIGHTS

Editor's note – Ordinance No. 1120, § 1, adopted December 18, 2006, added a new chapter 297
to read as herein set out. Formerly, such chapter pertained to human relations and was repealed
by Ord. No. 957, 11-25-96.

297.01. – Intent.

It is the intent of the City of Lansing that no person be denied the equal protection of the laws;
nor shall any person be denied the enjoyment of their civil rights or be discriminated against
because of their actual or perceived race, color, religion, national origin, sex, age, height, weight,
marital status, physical or mental disability, family status, sexual orientation, gender identity,
veteran status or HIV status, as all forms of discrimination adversely affect Lansing citizens
and the quality of life and opportunities available to all people.

Nothing herein contained shall be construed to prohibit any cause of action based on any other

Lansing, Federal or State law.

(Ord. No. 1120 § 1, 12-18-06)

297.02. - Definitions.

As used in this Chapter, the following words and phrases have the following meanings:

Age: Chronological age as measured from date of birth.

Ancestry: The nationality, ethnicity, or family lineage from which a person is a descendent.

Bona fide occupational qualifications: Characteristics that are reasonably necessary for the proper performance or evaluation of an occupation or the normal operation of a business.

BULLYING: REPEATED, PERSISTENT AND AGGRESSIVE VERBAL BEHAVIOR DIRECTED AT ANOTHER PERSON THAT A REASONABLE PERSON WOULD UNDERSTAND WOULD CAUSE FEAR, DISTRESS OR HARM TO THE OTHER PERSON'S BODY, EMOTIONS, SELF-ESTEEM OR REPUTATION.

Contractor: A person who by contract furnishes services, materials or supplies. "Contractor" does not include a person who is merely a creditor or debtor of the City, such as those holding

the City's notes or bonds or persons whose notes, bonds or stock are held by the City.

Discriminate/discrimination: To make a decision, offer to make a decision or refrain from making a decision in whole or in part on the actual or perceived race, color, religion, national origin, sex, age, height, marital status, physical or mental disability, family status, sexual orientation gender identity, or HIV status . Discrimination based on sex includes sexually harassment, which mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature .when:

(i) Submission to such conduct or communication is made a term or condition or condition either explicitly or implicitly to obtain employment, public accommodation or housing.

(ii) Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment, public accommodations or housing.

(iii) Such conduct or communication has the purpose or effect of substantially interfering with an individual's employment accommodations or housing, or creating an intimidation, hostile, or offensive employment, public accommodations, or housing environment.

Employee: A person, paid or unpaid, performing work duties for an employer, including an applicant for paid or volunteer employment, or a participant in a training or apprenticeship program.

Employer: Any person with a business located within or doing business within the corporate City limits of Lansing or doing Business with the City of Lansing who employs or is seeking to employ five or more employees, including any agent of that person or entity.

Employment: The act of an employee performing work duties for an employer.

Employment agency: Any person, paid or unpaid, who regularly undertakes to procure, refer, recruit, or place an employee with an employer, including any agent of that person.

Familial status: The state of being in a family or functional family.

Family: Any one of the following:

(1) An individual who is pregnant; or

(2) Two or more individuals related by blood within four degrees of consanguinity, marriage, adoption, or in a foster care relationship.

Functional family: A group of individuals who do not meet the definition of “family,” living together as a single housekeeping unit and intending to live together as a single housekeeping unit for the indefinite future. “Functional family” does not include a fraternity, sorority, club, hotel, or other group of persons whose association is temporary or commercial in nature.

Gender identity or expression: A person's gender-related self-perception, appearance, or behavior, regardless of that person's BIOLOGICAL sex at birth.

Harass/harassment: Physical conduct or communication directed at another person intentionally for the purpose or effect of creating an intimidating, hostile, or offensive environment with regard to employment, places of public accommodation, public services, or housing.

HOSTILE WORK ENVIRONMENT: THIS DEFINITION ADOPTS BY REFERENCE THE DEFINITION OF THIS TERM UNDER MICHIGAN LAW AND INCLUDES THAT A HOSTILE WORK ENVIRONMENT EXISTS WHEN THERE IS PERSISTENT AND PERVASIVE DISCRIMINATORY CONDUCT OR BEHAVIOR IN THE PLACE OF WORK THAT IS UNWELCOME AND OFFENSIVE TO AN EMPLOYEE OR GROUP OF EMPLOYEES, OF A PROTECTED CLASS STATUS, THAT IS SEVERE ENOUGH TO DISRUPT, BEYOND A REASONABLE DEGREE, THE WORK OF THE TARGETED EMPLOYEE OR EMPLOYEES.

Housing status: The state of having or not having a fixed residence, including, but not limited to, the state of owning or renting (with or without receiving public housing assistance) a place to live. This includes a person's type of dwelling or shelter, including, but not limited to, single family or multiple family homes, apartments, condominiums, rooming houses, housing cooperatives, hotels, motels, public or subsidized housing units, retirement homes, nursing

homes, and temporary or long-term shelters.

Irrelevant characteristic/irrelevant characteristics: Any status or condition which is unrelated to a person's ability to:

- (1) Safely and competently perform specific duties of a particular job or profession, or qualify for promotion,
- (2) Use or benefit from a place of public accommodation,
- (3) Use or benefit from public services, or
- (4) Acquire, rent, or maintain property.

"Irrelevant characteristics" do not include bona fide occupational qualifications but do include a person's actual or perceived race, religion, ancestry, national origin, color, sex, age, height, weight, student status, marital status, familial status, housing status, veteran status, political affiliation or belief sexual orientation, gender identity or expression, mental or physical limitation, SOURCE OF INCOME, OR SERVICES IN ARMED FORCES IN SOVERIGNNATIONS.

Labor organization: Any union, committee, association, or organized group of employees that exists primarily for the purpose of dealing with employment concerns, grievances, wages, labor disputes, rates of pay, hours of work, or other terms or conditions of employment.

Marital status: The state of being single, married, separated, divorced, in a functional family, or a surviving spouse.

Mental limitation: Actual or perceived disability or handicap, as those terms are defined in the Michigan Persons With Disabilities Civil Rights Act, or limitation regarding mental capabilities unrelated to a person's ability to:

(1) Perform a particular job or profession or qualify for promotion,

(2) Use or benefit from a place of public accommodation,

(3) Use or benefit from public services, or

(4) Acquire, rent, or maintain property.

"Mental limitation" includes, but is not limited to, developmental disabilities, psychological conditions, and the use by any person of adaptive devices, aids, or medication to mitigate such limitations. "Mental limitation" does not include any condition caused by the current use of an illegal or controlled substance or alcohol.

National origin: The country where a person or a person's ancestors were born. Discrimination against a person based on national origin shall include discrimination against nonnaturalized citizens and persons for whom English is a second language.

Perceived: As used in this chapter "perceived" refers to the perception of the person who acts,

and not to the perception of the person for or against whom the action is taken..

Person/persons: One or more individuals, partnerships, associations, or organizations; labor organizations, labor unions, or joint apprenticeship committees; businesses, companies, or corporations; legal representatives, receivers, trusts, or trustees; unincorporated organizations; employers or employment agencies; employees or contractors; realtors, real estate brokers, salespersons, or leasing agents; the City of Lansing, agencies of the city, and any recipient of city funds or any other legal or commercial entity.

Physical limitation: Actual or perceived disability or handicap, as those terms are defined in the Michigan Persons With Disabilities Civil Rights Act, or limitation regarding physical capabilities and human motor performance unrelated to a person's ability to:

- (1) Safely and competently perform specific duties of a particular job or profession or qualify for promotion,
- (2) Use or benefit from a place of public accommodation,
- (3) Use or benefit from public services, or
- (4) Acquire, rent, or maintain property.

"Physical limitation" includes, but is not limited to, blindness or partial sightedness, deafness or hearing impairment, muteness, partial or total absence of any body part(s), speech impairment, motor impairment, and the use by any person of adaptive devices or aids to mitigate such

1 limitations.

2
3 "Physical limitation" does not include any condition caused by the current use of an illegal or
4 controlled substance, or alcohol.

5
6 Place of public accommodation: A place open to the general public that is a facility or business
7 of any educational, governmental, nonprofit, health, day care, entertainment, cultural,
8 recreational, refreshment, transportation, or human services, financial, or other business of any
9 kind, whose goods, services, facilities, activities, privileges, or advantages are extended, offered,
10 sold, rented, leased, or otherwise made available to the public.

11
12 Public services: Goods, services, facilities, activities, privileges, or advantages extended,
13 offered, sold, rented, leased, or otherwise made available to the public through a department,
14 agency, board, or commission owned, operated, or managed by or on behalf of the state or a
15 political subdivision of the state or a nonprofit organization, including tax-exempt private
16 agencies, which receive financial support through the solicitation of the general public or through
17 governmental subsidy of any kind.

18
19 Real property: Any habitable or potentially habitable land or building, as used in this definition
20 "habitable building" includes, but is not limited to, single and multiple family homes,
21 apartments, condominiums, housing cooperatives, mobile homes or trailers, mobile home or

trailer parks, and tenements, including any lease or interest in real property.

Religion: All aspects of religious observance, dress, practice, and belief.

Sexual orientation: A PERSON'S SEXUAL IDENTITY IN RELATION TO THE GENDER TO WHICH THEY ARE ATTRACTED; THE FACT OF BEING HETEROSEXUAL, HOMOSEXUAL, BISEXUAL, OR ASEXUAL. Sex: The condition of being male, female, OR INTERSEX. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

(1) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodation, or housing; or

(2) Submission to or rejection of such conduct or communication by a person is used as a factor in decisions affecting such person's employment, public accommodation, or housing; or

(3) Such conduct or communication has the purpose or effect of substantially interfering with a person's employment, public accommodation, or housing, or creating an intimidating, hostile, or offensive employment, public accommodation, or housing environment.

Student status: The current state of pursuing a diploma/degree at any educational institution.

1 Source of income: Any legal source from which a person obtains money.

2
3 Veteran Status: Having served in any unit of the United States Armed Forces or their reserve
4 components, including the National Guard and the Coast Guard.
5 (Ord. No. 1120, § 1, 12-18-06)

6
7 297.03. – Discriminatory employment practices.

8 (a) Except as otherwise provided, no employer shall discriminate against any other person with
9 regard to recruiting, referring, hiring, contracting, compensating, grading, classifying, promoting,
10 demoting, disciplining, terminating or otherwise restricting or conditioning terms and privileges
11 of employment.

12 (b) Except as otherwise provided, no labor organization or apprentice program shall
13 discriminate by limiting membership, conditions of membership, privileges of membership or
14 termination of membership of any person in any labor union or apprentice program.

15 (c) Except as otherwise provided, no person shall discharge, terminate, expel, or otherwise
16 discriminate against any other person because that person has opposed any discriminatory
17 practice forbidden by this chapter or has filed a complaint, testified, or assisted in any proceeding
18 regarding any discriminatory practice forbidden by this chapter.

19 (Ord. No. 1120, § 1, 12-18-06)

20
21 297.04. – Discriminatory Public Accommodation Practices.

(a) No person shall discriminate against any other person by withholding, denying, curtailing, or otherwise limiting the full use and enjoyment of places of public accommodations.

(b) No person shall prohibit a breastfeeding mother from or segregate a breastfeeding mother within any place of public accommodation where she and the child would otherwise be authorized to be.

(Ord. No. 1120, § 1, 12-18-06)

297.05. – Discrimination in provision of public services.

(a) No person shall discriminate against any other person in providing information, offering access, or making referrals regarding public services, or by withholding, denying, curtailing, or otherwise limiting the full use of and benefit from public services.

(Ord. No. 1120, § 1, 12-18-06)

297.06. – Discriminatory housing practices.

(a) No person shall discriminate in referring, leasing, selling, renting, showing, advertising, pricing, offering, inspecting, listing, or otherwise making available any real property, including discrimination in providing information and receiving or communicating a bona fide offer on any real property.

(b) No person shall discriminate in (a) the application, conditions, or granting of mortgages or

other financing, (b) the offer, conditions, or sale of home-owner or rental insurance, or (c) the contracting of construction, rehabilitation, maintenance, repair, or other improvement of any housing facility.

(c) No person shall refuse to lend money for the purchase or repair of any real property or insure any real property solely because of the location in the city of such real property.

(d) No person shall promote any sale, rental, lease, sublease, Exchange, transfer, or assignment of real property by representing that changes are occurring or will occur in an area with respect to any irrelevant characteristics.

(e) No person shall indicate, communicate, or otherwise represent to another person that any real property or interest therein is not available for inspection, sale, rental, or lease knowing in fact it is available, including failing to make a person aware of a real property listing, refusing to permit inspection of real property, and representing that a property has been sold when In fact it has not.

(f) No person shall offer, solicit, accept, use or retain a listing of real property or an interest therein with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

(Ord. No. 1120, § 1, 12-18-06)

297.07. - Other prohibited practices.

(a) No person shall adopt, enforce, or employ any policy or publish, circulate, post, mail, or otherwise broadcast any statement, advertisement, sign, or notice or use a form of application or make a record of inquiry which directly or indirectly discriminates or indicates discrimination in providing employment, public accommodations, public services, ~~or~~ housing, OR HEALTH CARE.

(b) No person shall discriminate in the publication or distribution of advertising material, information, or solicitation regarding employment, public accommodations, public services, ~~or~~ housing, OR HEALTH CARE.

(c) No person shall coerce, intimidate, threaten, harass, retaliate against, BULLY or interfere with any person:

(1) In the exercise or enjoyment of, or on account of one's having exercised or enjoyed, or on account of one's having aided or encouraged any person in the exercise or enjoyment of, any right protected in this chapter; or

(2) Making a complaint or assisting in an investigation regarding a violation or alleged violation of this chapter.

(d) No person shall require, request, conspire with, assist, BULLY or coerce another person to:

(1) Discriminate in any manner prohibited by this chapter; or

(2) Intimidate, threaten, harass, or retaliate against another person for making a complaint or assisting in an investigation regarding an alleged violation of this chapter.

(e) No person shall provide false or misleading information to any authorized person investigating a complaint regarding a violation or alleged violation of this chapter, or sign a complaint for a violation of this chapter based upon false or substantially misleading information.

(Ord. No. 1120, § 1, 12-18-06)

297.08. - Exceptions.

Notwithstanding anything contained in this Chapter, the following practices shall not be violations of this chapter:

(a) Employment;

(1) This chapter does not apply to the employment of any person by his/her parent, spouse, or child.

(2) It is permissible to discriminate in hiring and selecting between one person and another based on bona fide occupational qualifications. Upon a claim of discrimination, the Claimant shall have the burden of making a prima facie showing that a qualification or selection resulted from a prohibited discriminatory act. An employer shall then have the burden of establishing that a qualification or selection criterion is reasonably necessary for the claimant to perform in the normal operation of the business. The Claimant will

then have the burden of showing that such qualification or criterion is mere pretext.

(1) It is permissible to give preferential treatment in hiring to veterans and their relatives as required by federal or state law.

(2) It is permissible to engage in a bona fide effort to establish, maintain, or improve employment opportunities for persons protected from discrimination and harassment under this chapter.

(5) It is permissible to consider legal source of income as a bona fide occupational qualification where the employment involves non-compete agreements, trade secrets, or similar legally recognized restraints on employment based on source of income.

(b) Public accommodation and public services;

(1) It is permissible to restrict the use of shower or changing areas in health clubs or recreational facilities on the basis of sex when separate and private shower or changing areas do not exist.

(2) It is permissible to refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.

(3) It is permissible to refuse to admit persons under 18 years of age to a business providing entertainment or selling literature or merchandise, which the operator of the business deems unsuitable for minors, or which is a “sexually explicit matter” as defined by Section 3 of Act 33 of the Public Acts of 1978, codified at MCL 722.673.

(4) It is permissible for an educational institution to limit the use of its facilities to those affiliated with such institution.

(5) It is permissible to provide discounts on products or service to students, minors, and senior citizens.

(6) it is permissible to restrict participation on athletic teams or in athletic events on the basis of age.

(c) Housing;

(1) It is permissible to discriminate in any arrangement for the sharing of a single unit dwelling, the remainder of which is occupied by the owner or a member of his/her immediate family.

(2) It is permissible for the owner of a dwelling devoted entirely to the housing or accommodation of a single sex to restrict occupancy and use on the basis of sex.

(3) This chapter does not require any person who does not participate in the Federal Section 8 Housing Assistance Program to accept any subsidy, payment assistance, voucher or contribution in connection with such program, or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy as payment for at least part of the rent.

(Ord. No. 1120, § 1, 12-18-06)

297.09. - Other exceptions as required by law.

This chapter shall not be construed to limit rights granted by State or Federal Constitution, law, rule or regulation, including but not limited to, the following:

(a) It is permissible to discriminate in employment, public accommodation, public services,

housing, AND HEALTH CARE based on a person's age, income level, or mental or physical limitations when such discrimination is required or allowed by Federal, State or Local constitution, law, rule or regulation.

(b) It is permissible for a governmental institution to restrict access to any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to Federal, State or local constitution, law, rule or regulation.

(c) This chapter shall not be read to prohibit or interfere with the exercise of a person's first amendment rights.

(d) It is permissible for a religious organization or institution to restrict employment opportunities, housing facilities, or accommodations that are operated as a direct part of religious activities to persons who are members of or who conform to the moral tenets of that religious institution or organization.

(e) It is permissible to limit occupancy in a housing development or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age, or who have a physical or mental limitation.

(f) It is permissible to discriminate based on a person's age when State, Federal, or local law requires it.

(g) It is permissible to refuse to enter into a contract with an emancipated minor.

(h) Nothing in this chapter shall affect, replace, or diminish the duties, obligations, rights, or remedies as otherwise provided by any union contract, collective bargaining agreement, or

federal, state or local constitution, law, rule or regulation, which shall control over this chapter.

(i) This chapter shall not be read to require an employer, whether public or private, to provide benefits to UNMARRIED domestic partners in contravention of Article I, Section 25 the Michigan Constitution.

(Ord. No. 1120, § 1, 12-18-06)

297.10. - Complaints.

(a) Any person claiming to be discriminated against or harassed in violation of this ordinance may file with the department of Human Rights Community Services (the “Department”) a complaint, in writing, setting forth with reasonable specificity the person or persons alleged to have violated this chapter, the specific nature of the violation and the date(s) of the alleged violation. A person filing a complaint must do so within 180 days of the incident forming the basis of the complaint.

(b) To the extent permitted by law, all written complaints of discrimination in employment, public accommodation, public services, and housing received by the department shall be kept confidential.

(c) Upon receipt of the complaint the department shall:

(1) Be responsible for receipt, recordation, investigation, mediation, conciliation,

1 recommendation, and/or referral to the Office of the City Attorney;

2 (2) CONTACT THE CLAIMANT TO DISCUSS THEIR CONCERNS AND SCHEDULE
3 AN INFORMAL CONFERENCE (ESTIMATED TIME WITHIN 45 DAYS);

4 (3) ~~(2)~~ Ensure there are no undue burdens placed on a Claimant, which might discourage
5 filing of a discrimination complaint;

6 (4) ~~(3)~~ Commence and complete the complaint investigation, mediation/conciliation, and
7 recommendation process in a timely manner; AND

8 ~~(4)~~ Promulgate and publish rules and guidelines for processing, investigating,
9 mediating/conciliating, and recommending resolution of the complaint. (Ord. No. 1120, § 1, 12-
10 18-06)

11
12 297.11. - Investigation and hearing.

13 (a) During an investigation, the department may request the appearance of witnesses and the
14 production of books, papers, records or other documents that may be relevant to a violation or
15 alleged violation of this chapter.

16
17 (b) If the department determines that the complaint and preliminary evidence gathered indicates
18 a prima facie violation of an ordinance in this chapter, the department shall assign a person to
19 conduct a hearing (hereinafter referred to as the "Hearing Officer") within 90 days after
20 completion of its preliminary investigation. The person who is alleged to have committed a
21 violation (the "Respondent") and the claimant shall be sent by regular mail at least 14 days

advance, notice of the scheduled date and time of the hearing and a request for each to appear. At the hearing, testimony will be taken. All testimony shall be on the record, under oath and either recorded or transcribed. Both Claimant and Respondent shall be allowed to testify, present evidence, bring witnesses to testify, and to cross examine all witnesses at the hearing. Technical rules of evidence shall not apply.

(c) A failure of either the Claimant or the Respondent to cooperate with the department may result in an adverse determination for that person at the hearing.

(Ord. No. 1120, § 1, 12-18-06)

297.12. Findings and recommendations.

The Hearing Officer shall make findings of fact based on the testimony and evidence introduced at the hearing and shall recommend such relief as the hearing officer deems appropriate. The Claimant and Respondent shall have the right to appeal the Hearing Officer's findings and recommendations in writing within 30 days to the Director of the department. On appeal, the hearing record and Hearing Officer's findings and recommendations shall be reviewed by the Director of the department, who shall approve, approve with modification, or disapprove of the findings and recommendations. After the Director's review, the department's findings and recommendations shall be served by regular mail on the Claimant and Respondent. The parties shall have 30 days to comply with such findings and recommendations, unless a different time to comply is provided by the department.

(Ord. No. 1120, § 1, 12-18-06)

297.13. Available recommendations and remedies.

If a violation of this Chapter is found the Hearing officer may recommend that remedial action be taken. The recommended remedies may include, but are not limited to one or more of the following:

- (a) Ceasing the illegal conduct cited in the complaint and taking steps to alleviate the effect of such illegal conduct;
- (b) The respondent apologize to the Claimant;
- (c) Closure of the matter based upon a mediation/ conciliation agreement of the Claimant and Respondent;
- (d) The respondent pay damages for injury or loss;
- (e) Hiring, reinstating, or promoting the Claimant, with or without back pay, or providing such fringe benefits as the Claimant may have been denied;
- (f) Selling or leasing of housing or dwelling unit in question to the Claimant;
- (g) Admitting the claimant to a place of public accommodation or extending full and equal use and enjoyment of said place of public accommodation;
- (h) Paying some or all of the claimant's costs, costs incurred at any stage of review;
- (i) Posting the explanation of and requirements for compliance with this chapter;
- (j) Dismissing the complaint; and

(k) Imposing costs against a Claimant for a frivolously filed claim.

The Hearing officer shall attempt to resolve the matter by party conciliation and if unable to do so, by referring it to the City attorney for prosecution.

(Ord. No. 1120, § 1, 12-18-06)

297.14 Conciliation Agreements.

In cases involving alleged violations of this chapter, the Hearing officer may have the parties enter into agreements whereby the involved parties agree to take steps that will terminate continued discriminatory practices and/or compensate for past and future injury. Violations of such agreements shall be violations of this chapter.

(Ord. No. 1120, § 1, 12-18-06)

297.15. - Civil infraction.

(a) A violation of any provision of this chapter is a civil infraction and shall be prosecuted by the City attorney. Each day upon which a violation occurs shall constitute a separate and new violation.

(b) If the Hearing Officer determines that a violation of this chapter has occurred and the Respondent does not comply with the Hearing Officer's recommendation within the specified

time period, either the Complainant or the Hearing Officer may refer the matter to the City Attorney, County Prosecutor, the Michigan Department of Civil Rights, the United States Department of Justice, Department of Housing and Urban Development, or other appropriate enforcing agency.

(c) The City Attorney may commence legal action by filing and serving a complaint to obtain injunctive relief or any other remedy in an effort to prevent further conduct prohibited by this chapter and to remedy the effects of such conduct.

(d) A violation of a prohibited act in this chapter is designated a municipal civil infraction, is not a crime, and shall not be punishable by imprisonment.

(e) Schedule of civil fines. The violation shall be according to the following schedule:

(1) First violation \$ 150.00

(2) Second violation \$ 250.00

(3) Third (or any subsequent) violation \$ 500.00

(f) Continuing violation.

(1) For an offense that is a single and discrete occurrence, a single violation shall accrue (for example, a single act of harassment like a racial epithet). Subsequent single and discrete occurrences shall result in additional violations according to the above

1 schedule (for example, two separate instances of racial epithets would constitute a
2 first and second violation).

3 (2) For offenses that are continuing in nature, rather than single and discrete, the first
4 violation shall accrue with the first day of the occurrence, and subsequent violations
5 shall accrue for each additional day of that occurrence (for example, an impermissible
6 hiring practice that continues each day on an ongoing basis).

7 (3) For continuing violations under subsection (f)(2), the day of the first occurrence shall
8 be measured from the day of service of the City Attorney's complaint.

9 (Ord. No. 1120, § 1, 12-18-06)

10
11 297.16. - Private actions.

12 Any person who is the victim of discrimination in violation of this chapter retains his or her right
13 to pursue any and all other legal action to which the person may be entitled in addition to the
14 remedies available under this chapter. Nothing in this chapter shall be construed to limit rights
15 granted under the laws of the State of Michigan or the United States.

16 (Ord. No. 1120, § 1, 12-18-06)

17
18 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
19 inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

Approved as to form:

City Attorney

Dated: _____

A 21st Century Epidemic

Understanding the Science Behind HIV Treatment
and Prevention in 2016

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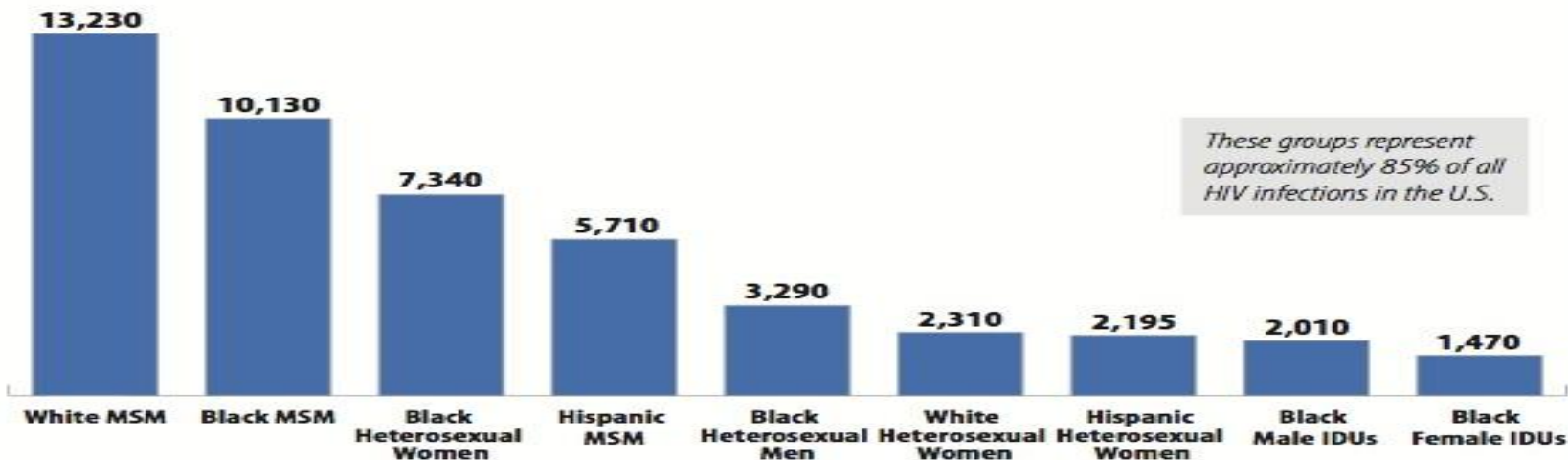
- Approximately 1.3 million Americans are currently living with HIV
- Each year, there are an estimated 50,000 newly identified infections in the US
- Men who have Sex with Men (MSM) constitute the bulk of new diagnoses in the US, particularly men of color who have sex with men.
- Transgender men and woman are often misgendered in official statistics in the US, with Transwoman identified as MSM, and Transmen identified as heterosexual woman.

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- Ingham County has the highest HIV prevalence rate in the state outside of Detroit.
- Each year, on average, 25 people are diagnosed with HIV in Ingham County.
- Roughly 60 percent of those diagnosed with HIV are MSM each year.
- Ingham county's HIV prevalence among MSM according to a new study from Emory University is between 12 and 12.99 percent, slightly above the national prevalence rate. Jackson county is significantly higher, coming in at 30 percent.

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Figure 2. Numbers of Annual HIV Infections by High-Risk Groups (2006)



Sources: *MMWR*, October 3, 2008 and *MMWR*, June 5, 2009 with the addition of incidence data for Puerto Rico based on an analysis by Holtgrave, D., Johns Hopkins Bloomberg School of Public Health. For this analysis, all Puerto Rico cases were classified as Hispanic. Chart based upon CDC, *HIV Prevention in the United States at a Critical Crossroads*, 2009. MSM = men who have sex with men (gay and bisexual men) and IDUs = injection drug users.

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- Americans are woefully under informed about HIV, resulting in significant stigma and discrimination.
- The Kaiser Family Foundation AIDS at 30 Public Opinion Survey found the following issues:
 - 12 percent of Americans think you can get HIV from sharing a swimming pool with some one living with HIV
 - 16 percent of Americans believe you can get HIV by touching a toilet seat
 - 25 percent of Americans believe you can get HIV by sharing a drinking glass with a person living with HIV

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Facts:

HIV is only transmitted by the following body fluids:

Semen, Vaginal Secretions, Breast Milk, Blood and Cerebral Spinal Fluid

Sexual transmission of HIV remains the top mode for US infections

The highest risk of transmission of HIV sexually is for the receptive partner in anal sex. That risk is 1.38 percent for a one time sexual event. Oral sex is so low the CDC is unable to document a percent risk rate.

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- HIV infection is caused by the virus Human Immunodeficiency Virus
- The virus inserts its genetic material into a particular type of blood cell, called a CD4. Many refer to them as T-Helper Cells. These cells help identify infections and other invaders for the immune system to attack.
- Once inside the CD4, the virus integrates its genetics into the center of the cell and takes over. As a result the cell becomes a virus factory.
- The new virions then move onto infect other CD4 cells.

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- HIV's replication ultimately overcomes the immune system, weakening it, or even destroying it completely.
- The final stage of HIV infection used to be called AIDS, Acquired Immune Deficiency Syndrome, however, that particular diagnosis is a very narrow one, and as a result, doctors have moved to HIV Disease Stages 1, 2 and 3.
- Once a person is diagnosed with Stage 3 Disease, they will remain with that diagnosis for the rest of their lives, despite any clinicaly improvements

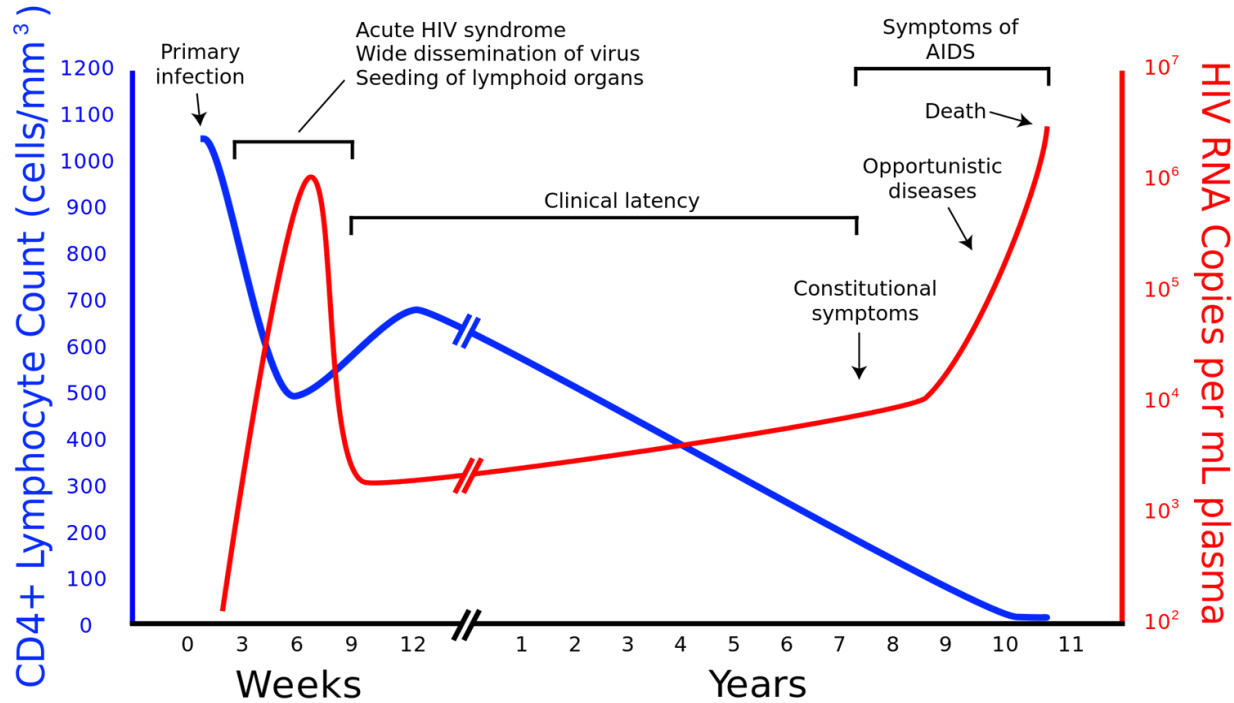
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- There are now over 30 drugs in seven classes that treat HIV infection.
- Because the virus is very good at mutating, people living with HIV must take drugs from three or more classes to control the virus.
- In the past decade, numerous single dose, once-a-day combination drugs have been released, making treatment much easier. However, many of these fixed dose combination drugs come with serious side effects.

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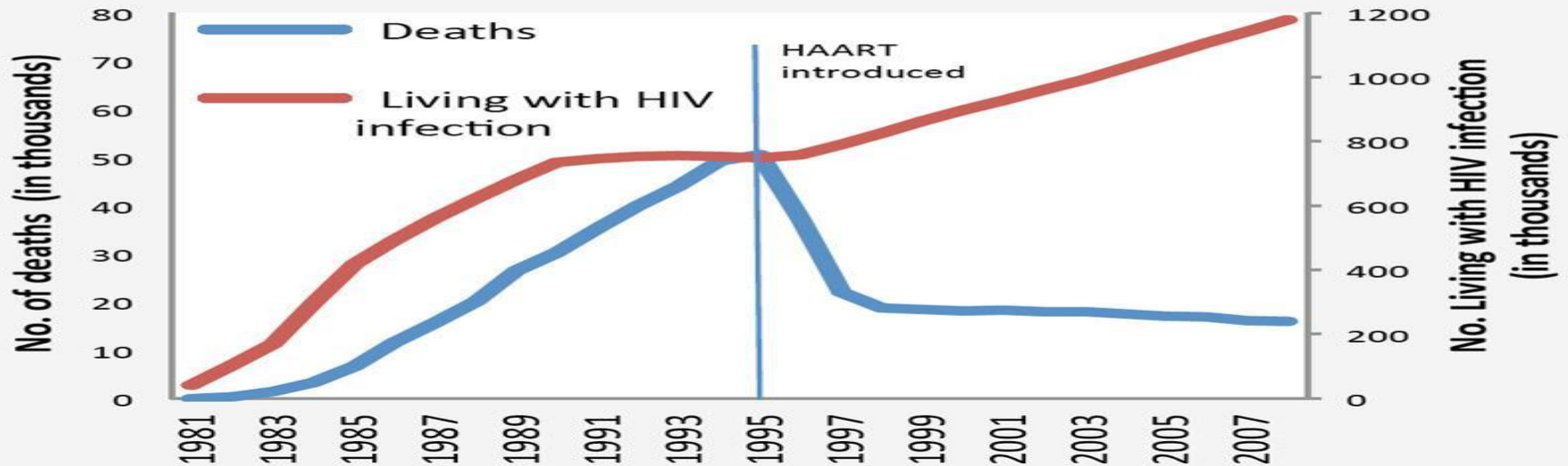
- Treatment efficacy is measured with quarterly blood tests. Those tests look at
 - CD4 counts (the immune cell the virus infects and uses to replicate)
 - CD8 counts (an immune cell associated with inflammation, a major cause of heart disease and cancers in people with HIV)
 - Viral Load

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With the Advent of HAART, More People Are Living with HIV Infection (red) as Rates of AIDS-Related Deaths Decline (blue)



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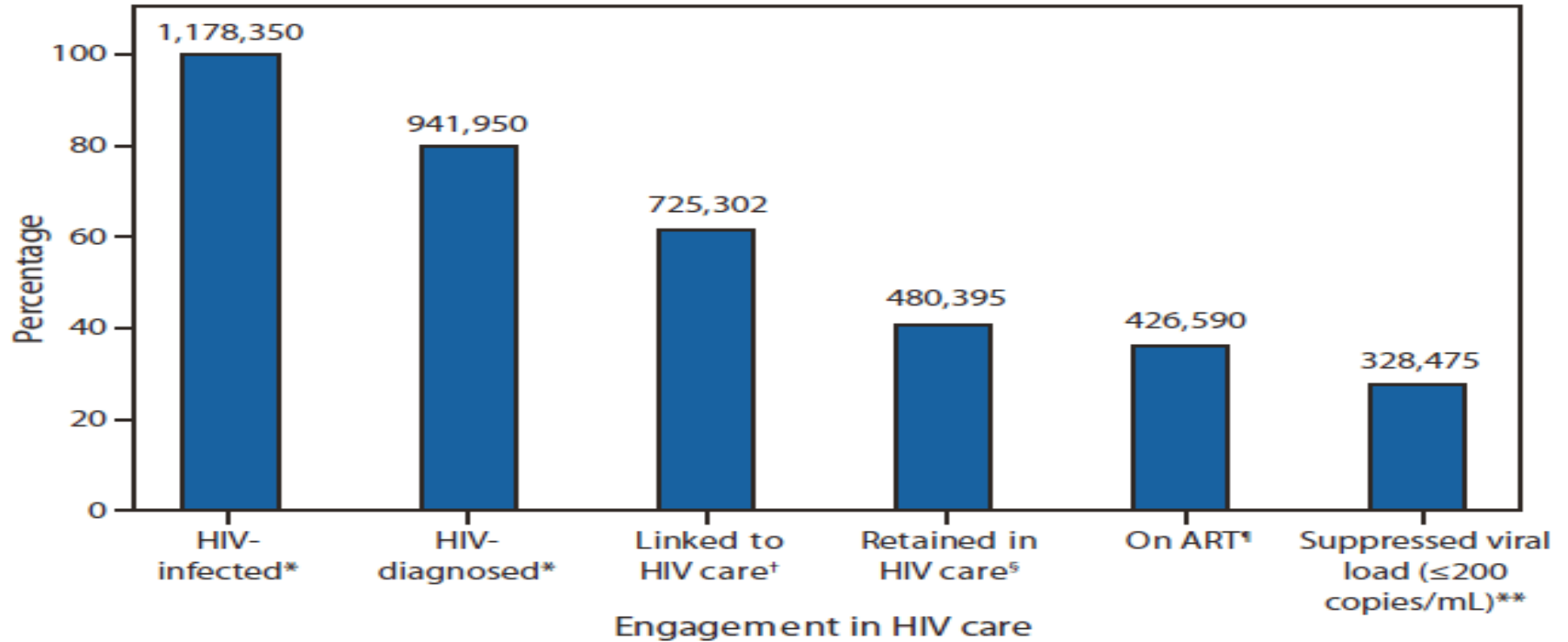
- What we know is with effective treatment, the viral load, which is a measure of viral particles in the blood, drops dramatically. This reduction in viral load results in better health outcomes of people living with HIV including a slightly above average life expectancy for a newly diagnosed 20 year old today.
- A side effect of the reduction in viral load was the discovery that a person with an undetectable viral load (less than 28 viral particles per mml of blood) was essentially non-infectious.

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-- HPTN 052: This study enrolled 1,763 HIV serodiscordant (one HIV-positive, one HIV-negative). Most were heterosexual. The study was supposed to run until 2015, however, in 2011, the early results showed successful viral suppression resulted in a 96 percent reduction in transmission of HIV from infected to uninfected partner.

-- PARTNER: This study enrolled 1,110 gay and straight couples in HIV serodiscordant relationships. A report last year of findings half way through the study found the risk of transmission by a virally suppressed partner (200 copies of HIV per mml of blood) was “likely zero.”

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-- Obstacles to care:

-- Stigma

-- mental health issues (60 percent of people living with HIV will go on to be diagnosed with PTSD within 6 months with the triggering event being the HIV diagnosis)

-- healthcare access

-- Cost: Most drugs to treat HIV cost thousands of dollars a month

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-- Prevention of HIV

Condoms are about 70 percent effective in preventing HIV transmission in MSM and anal sex, but only if they are used with every partner, every time. Varying condom use with multiple partners negates the preventative efficacy of condoms to zero.

Condoms in vaginal sex are about 80 percent effective in preventing HIV transmission.

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PrEP-- Pre-Exposure Prophylaxis

- 99 percent efficacy if taken daily.
- Efficacy reduces with less adherence
- More effective in prevention of anal sex transmission than vaginal sex transmission. (Therapeutic levels of the drug are achieved at day 7 in anal tissues, and about day 20 in vaginal tissues. The reason for this is not well understood yet)

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Obstacles to implementation:

- Despite recommendations by HRSA and CDC, PrEP uptake has been slow in communities other than San Francisco and New York State. Those communities have deliberately invested in PrEP education and access programs
- In Ingham County there are two doctors who will prescribe PrEP. It is expensive, approximately \$1,000 a month. It also requires quarterly blood tests to monitor kidney function, as well as check for HIV and other STIs.